

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

TREVOR MILTON,

Defendant.

ORDER

21-cr-478 (ER)

RAMOS, D.J.:

On September 14, 2023, Defendant Trevor Milton submitted a letter requesting permission to use certain materials in his sentencing that were produced in an arbitration between Nikola Corporation and Milton. The materials are subject to an arbitration protective order that allows Milton to request this Court's permission to use the materials in this proceeding. Nikola objected to Milton's request. The Court held a conference on the dispute on November 16, 2023. The Court directed the parties to meet and confer and to advise the Court on the status of their discussions.

On November 29, 2023, Milton submitted another letter informing the Court that the discussions had been unsuccessful and requesting that the Court grant the original letter motion. Doc. 308. Nikola filed a response proposing that Milton's criminal counsel be allowed to view the materials (subject to a nondisclosure agreement or the terms of the arbitration protective order) and then meet and confer with Nikola regarding which materials Milton intends to use. Milton submitted a reply arguing that Nikola's proposed negotiation process would be unproductive. Doc. 312.

Upon consideration of the parties' arguments, the Court holds that Milton's criminal

counsel shall be permitted to view the arbitration materials, subject to criminal counsel's agreement to abide by the confidentiality provisions in the arbitration protective order. Milton's criminal counsel may then submit any relevant materials under seal to this Court for potential consideration in connection with sentencing. Nikola may raise any objections it has to the use of specific materials at that time.

SO ORDERED.

Dated: December 4, 2023
New York, New York



Edgardo Ramos, U.S.D.J.